

transactions of the Department; take minutes of all its meetings, noting the same in a book of record; keeping the minutes of the meetings of the various committees, if so requested; carry on the necessary correspondence; and keep a true and accurate account of all the financial transactions of the Department; and to do and perform all other acts and things as may be required of him by the Department. He shall have the custody of and be responsible for the safe-keeping of all books, records, vouchers and other documents, and all other property of the Department kept at its general office at the seat of Government.

Section 16. The Department shall appoint a school agent for each school district, to serve during its pleasure, who shall be entrusted with the execution of all acts, orders, instructions and regulations of the Department and of the Inspectors General. All of his acts and doings shall be subject to the final approval of the Department.

Section 17. All schools shall be presided over by qualified teachers. If there shall be more than one teacher in any public school, one of them shall be designated by the Department as principal.

Section 18. The salary of the various school agents, teachers, servants and officers not especially provided by law, shall be such as may be from time to time allowed by the Department.

Section 19. All schools established and maintained by the Department in accordance with law, are public schools. All other schools are private schools.

Section 20. The Department shall have entire charge and control, and be responsible for the conduct of all affairs appertaining to public instruction. The Department is authorized to establish and maintain schools for secular instruction, at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit. The Department shall regulate the course of study to be pursued in all grades of public schools, and classify them by such methods as it shall deem proper. Such schools may include normal schools, high schools, kindergarten schools, schools for technical instruction, boarding schools, evening as well as day schools. The Department may also maintain classes for normal, technical and other instruction in any school where there may not be pupils sufficient in number to justify the establishment of separate schools for such purposes.

Section 21. Any person desiring to establish a private school, shall make an application in writing to that effect to the school agent of the district in which it is desired to establish such school, which application shall be accompanied by a memorial from the parents and guardians of the children intending to attend such school, stating that the applicant is the person of their choice for a teacher of their children. If the applicant possesses the necessary qualifications to become a teacher of the school proposed, the Department shall issue a permit authorizing the establishment of such school.

Section 22. Every private school shall be subject to the supervision of the Department. It shall be the duty of the Department to require that teachers of private schools be persons of good moral character; and that the premises of such schools comply with the rules and regulations of the Department, as from time to time promulgated with regard to sanitary conditions and hygiene.

Section 23. There shall be no charge for tuition in any public school; provided however, that the Department may in its discretion establish, maintain and discontinue select schools, taught in the English language, at a charge of such tuition fees for attendance as it may deem proper; provided however, that such select schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district.

Section 24. The attendance of all children between six and fifteen years of age, both inclusive, at either a public or private school is obligatory. And it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages, to send them to some such school. Provided that such attendance shall not be compulsory in the following cases, but in no others:

First. Where there is no school in the school district where such child resides, and the distance to the nearest school exceeds four miles.

Second. When such child shall be physically or mentally unable to attend school, of which fact the certificate of a duly qualified physician shall be evidence.

Third. When a competent person is employed as tutor in the family wherein such child resides, and proper instruction is thereby imparted.

Fourth. Where any child of not less than the age of thirteen years shall have passed the required examinations of both

Primary and Grammar school grades, as such requirements shall from time to time exist.

Section 25. No person within school age shall be considered as complying with the law as to attendance, who shall attend a private school which does not comply with the requirements of this Act.

Section 26. The management and control of all schools heretofore managed or controlled by the Board of Education, are hereby transferred to the Department of Public Instruction.

Section 27. All property, real, personal, or mixed, heretofore belonging to the Board of Education, together with all money heretofore or hereafter appropriated for the benefit of the Bureau of Public Instruction, is hereby transferred to the Department of Public Instruction, and all rights, duties and powers heretofore belonging to the Board of Education, are hereafter to be exercised and performed by the Department.

Section 28. Authority is hereby granted to the Department to transfer to the general Government all its property, real, personal or mixed, reserving however, the management and control of all church sites, school sites and school buildings, furniture and appliances.

Section 29. Whenever a site for a school house or land for other educational purposes, as provided by law, shall be required, and the same can be located upon public land, the Commissioners of Public Land, upon the recommendation of the Department and approval of the Executive Council, may set apart sufficient land for such purpose without compensation; and thereupon the Commissioners of Public Land shall be relieved from all further responsibility or liability in regard to the premises so set apart.

Section 30. The English language shall be the medium and basis of instruction in all public and private schools, provided that where it is desired that another language shall be taught in addition to the English language, such instruction may be authorized by the Department, either by its rules, the curriculum of the school, or by direct order in any particular instance. Any schools that shall not conform to the provisions of this Section shall not be recognized by the Department.

Section 31. The Department may establish and maintain one or more Teachers' Conventions or Institutes, or it may authorize and permit their establishment by and among its teachers, and may direct and authorize the attendance of teachers thereat, as a part of their duties, and may permit the closing of schools at specified limited times, in order to permit their attendance at such conventions or institutes.

Section 32. The Department shall furnish all necessary books and stationery required for the use of pupils in their respective grades, charging therefor their cost price. All pupils must be supplied by their parents or guardians, or other persons having the custody or care of such pupils, with books and stationery requisite for their use. And in case pupils shall not be so supplied, the teacher of the school may furnish such books and stationery, and require the parents or guardians to make payment therefor. If such payment shall not be promptly made he shall notify the tax assessor of the district in which the school is located, who shall enter the amount due as a portion of the tax to be collected of such parents or guardians, and the payment of such amount, together with interest and costs, shall be enforced as in the case of delinquent taxes. In cases of extreme poverty, the cost of all books and stationery may be remitted by the Department, provided that in such cases the use only of such books shall be authorized, and when the pupils shall have finished the use of the same, the books shall be returned to the teacher.

Section 33. If any child of school age shall persist in absenting himself from school, any district magistrate shall, upon proper complaint being made by the school teacher, or any other officer or agent of the Department, cause the father or the mother, guardian or other person having the charge of such child, to be summoned to appear before such magistrate, and upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, such responsible party shall be fined by the magistrate in a sum not exceeding Five Dollars, and in default of payment thereof, such person shall be imprisoned at hard labor for a term not to exceed ten days. In case the child shall prove the offending party, the magistrate shall send him to a reformatory or industrial school for a term not less than six months or more than two years, or otherwise sentence him to a fine not exceeding Two Dollars, or imprisonment for a term not exceeding five days. Provided however, that the provisions of this Section shall not apply to any child not liable to compulsory attendance at school.

Section 34. Any teacher shall have power to administer necessary and reasonable punishment upon any pupil while in attendance at school, and shall not in any way be held responsible therefor.

Section 35. The Department may furnish books, stationery and other school supplies at a price sufficient to cover cost, including interest, to private schools or pupils therein, or to other persons for educational purposes.

Section 36. All moneys received for the sale of books, stationery and supplies shall from time to time be paid over to the Minister of Finance with a definite statement of what they represent.

Section 37. The various school agents shall from time to time draw drafts upon the Department to pay salary of school teachers and other employees in their respective school districts, and for the payment of such expenses for repairs and improvement of school property in their respective districts as shall be authorized. In the drawing of drafts, payment of school teachers and other employees of the Department, and in attending to other financial interests of the Department, the school agents shall observe and perform such rules and regulations as may be from time to time adopted by the Department.

Section 38. The various school agents shall, under the direction of the Department, have charge and control of all property of the Department in their respective districts; they shall attend to the preservation and care of all buildings in order that the same may be preserved from injury and decay; and when occasion requires shall call the attention of the Minister or Inspector-General to such steps as seem necessary to that object.

Section 39. Whenever the parents or guardians of children attending any public school shall deem themselves aggrieved on account of the conduct of the teacher, they shall have the right to present their petition in writing to the school agent, who shall then appoint a time for the hearing of the case; and if, in his opinion, the case of the petitioner shall have been proved by good and sufficient testimony, such teacher may be suspended by him and another appointed, subject to the final approval of the Department.

Section 40. For the better control and management of the public schools, the Department is authorized to designate school districts; to establish their boundaries; and to alter the same from time to time as in its discretion it deems most advisable. These districts shall be so arranged that there shall be no unassigned locality.

Section 41. All persons of school age shall be required to attend the school of the district in which they reside, unless it shall appear to the Department to be desirable to allow the attendance of pupils at a school in some other district, in which case the Department or school agent of that district may grant such permission.

Section 42. The teachers of all schools, either public or private, shall keep a correct register of the names, sex, age and nationality, as far as ascertainable, date of entering the school, and the places of residence of the children attending their respective schools, and no teacher of any school shall grant a release to any child under fifteen years of age, who shall be registered as attending his school, for the purpose of attending another school, unless the consent and approval of the parents or guardians of such child shall be given in writing to the teacher, or unless authorized to grant such release by the school agent of the district for good reasons shown to his satisfaction. In every such case a certificate in writing shall be granted to the teacher setting forth the facts in the case.

The register shall be carefully preserved, and as often as the Department shall direct, the register or a true copy thereof shall be filed in the office of the Department.

Section 43. No teacher of any school, either public or private, shall receive into his school any child under fifteen years of age, who shall have attended another school of the same class in the same district, unless such child shall produce to the teacher of the school to be entered, a certificate of release signed by the teacher of the school last attended by the child. If such child apply to attend a school of higher grade, a certificate of proficiency shall be required or a lawful excuse for its absence.

Provided, that the children from one district desiring to enter a school in another district, may be received or admitted upon producing a certificate of release from the school last attended in such other district.

The teacher of any such school who shall violate any of the provisions of this or of the foregoing Section shall, upon conviction thereof, before any district magistrate, be subject to a fine not exceeding ten dollars for each offense.

Section 44. The following laws and parts of laws are hereby repealed

An Act entitled "An Act to provide for the separation of the sexes in the Government Schools," approved July 25, 1862.

Sections 1 to 27, inclusive, 29 to 38, inclusive, of an Act entitled "An Act to repeal Chapter X of the Civil Code, and to regulate the Bureau of Public Instruction," approved January 10, 1865.